

AN ORDINANCE CREATING A HISTORIC DISTRICT COMMISSION FOR THE CITY OF DEQUINCY IN CONNECTION WITH THE CITY'S APPLICATION TO THE LOUISIANA MAIN STREET PROGRAM WITHIN THE LOUISIANA DIVISION OF HISTORIC PRESERVATION, OFFICE OF CULTURAL DEVELOPMENT.

WHEREAS, the Mayor and City Council for the City of DeQuincy desire to preserve, enhance and improve those aspects of the city that have historical and cultural merit which will promote and protect the health, safety, prosperity, and general welfare of the people living in and visiting the City of DeQuincy;

AND WHEREAS, the Mayor and City Council desire to protect and enhance the City's attractions to tourists and visitors which will support and stimulate the business and economic welfare of the City of DeQuincy,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of DeQuincy in legal session duly convened that the following ordinance be adopted to create the DeQuincy Historic District and the DeQuincy Historic District Commission and providing guidelines and criteria therefore, for purposes of adopting a procedure to establish preservation districts and to designate cultural and historical landmarks and sites, and accomplishing related purposes as follows, to-wit:

SECTION 1: DEFINITIONS

Alteration: Any change to a resource because of construction, repair, maintenance, or other means, including but not limited to repainting of brick work, sand blasting, and the removal or application of paint by chemical or other means.

Applicant: The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a bonifide contract to purchase said resource.

Appurtenance: A feature related to a parcel of land or to a building, structure, object, site, or related group thereof.

Building: A structure created to shelter any form of human activity such as shelter, housing, or economic activities related to persons, animals, or chattels.

Demolition: The complete or partial removal of buildings, structures, objects, or sites, including appurtenances.

Economic Return: The capacity of a building to generate revenue in the form of fair market rent when, after allowing for expenses, the revenue generated equals zero.

Historic: A building is classified as historic when it is of sufficient local, regional, architectural, or cultural value as designated by the Commission and approved by the City through a resolution.

SECTION 2: DEMOLITION OF HISTORIC BUILDINGS

Whenever an applicant shows that a building classified as historic and located in the DeQuincy Historic District delineated in Section 3 is incapable of earning any economic return on its value, as appraised by a qualified real estate appraiser, or its new construction can be demonstrated by an applicant to be the highest and best use of the building site, such building may be demolished; provided, however, that before demolition is authorized, notice of a proposed demolition shall be given three (3) times either by publication in the official journal, or by posting on the door of City Hall within a period of thirty (30) days to afford interested persons, historical societies, or organizations the opportunity to acquire or arrange for the preservation of such buildings.

SECTION 3: DEFINITION OF HISTORIC DISTRICT

The downtown business district designated as the "DeQuincy Historic District" is as specified on a map survey attached.

SECTION 4: COMMISSION ESTABLISHED

There is hereby created a Commission to be known as the DeQuincy Historic District Commission, whose purpose shall be to endorse plans as presented, or as would be necessary, to make recommendations for changes on behalf of an applicant upon all proposed alterations, relocations, and new construction within the boundaries of the historic district and any other actions necessary to implement the intent of this Ordinance. Commission recommendation shall not be binding; however, the Commission shall make itself available to assist applicants on whom alteration, relocation, or new construction is contemplated in complying with recommendations. The Commission shall also assist applicants interested in pursuing investment tax credits for historic rehabilitation to meet the requirements for that program.

The Commission shall preserve, promote, and develop the city's historical resources and to advise the City on the designation of the Historic District, landmarks, and landmark sites, and to perform such other functions as may be provided by law.

The Commission shall consist of not fewer than seven (7) members, no more than ten (10) members. All members of the Commission are appointed by the Mayor upon recommendation by the Council, and shall serve for designated terms and may be re-appointed. At least one member shall be a qualified architect licensed by the State of Louisiana. All members of the Commission shall serve for a term of four (4) years and shall be eligible for reappointment. Any vacancies shall be filled within sixty (60) days. All Commission members should have a knowledge or interest in historic preservation. In conformity with state guidelines, The City shall make a good faith effort to locate professionals to serve on the Commission before appointing lay members.

The Commission shall make such by-laws as it may deem necessary for the conduct of its affairs not inconsistent with the laws of the parish and state. Presence of three members of the Commission at a meeting shall constitute a quorum. The Commission shall meet quarterly, unless there are no pending permit applications for alterations, relocation, or new construction in the historic district. Special meetings may also be held at any time on the written request of any one of the Commission members, or on the call of the Chairman of the Commission.

The Commission shall select one of its members to serve as Chairman. The Commission shall make a report on its recommendation and activities to the Mayor and City Council after every meeting.

SECTION 5: STAFFING

The Mayor of the City of DeQuincy shall appoint whatever city employees as he/she deems appropriate to serve as staff for the Commission to implement its purposes.

SECTION 6: PROCEDURES

When application for a permit for any alteration, relocation, or new construction in the DeQuincy Historic District is made, the City foreman shall notify the DeQuincy Historic District Commission and make available to it a copy of all required application materials submitted. The Commission shall meet with the applicant to explain its recommendations on rehabilitation plans. The major focus of any recommendations for change or endorsement of plans as presented shall be to help property owners to avoid any action, which might tend to impede present or future federal tax benefits arising from location in the historic district.

SECTION 7: CRITERIA TO BE USED BY THE COMMISSION IN MAKING RECOMMENDATIONS

The criteria to be used by the Commission in making recommendations are as follows:

- A. To the extent feasible with economic realities, efforts should be encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alterations.
- B. Removal, destruction or alteration of original characteristics or unique architectural features of buildings should be discouraged.
- C. Surface cleaning of structures by the least harmful means possible should be encouraged. Sandblasting and abrasive chemical cleaning methods that will damage historic building materials should be avoided.
- D. In a rehabilitation project, use of materials matching or compatible with those already used in the building as to composition, design, color, texture, and other visible qualities should be encouraged.
- E. Contemporary design and alterations and additions to existing buildings should not be discouraged when such alterations and additions do not destroy significant historical architectural, or cultural materials; and such design is compatible in size, scale, material, and character to the property, neighborhood, and environment.
- F. In the case of new construction, compatibility with surrounding buildings in scale, size, and materials should be encouraged.

If any provisions of this ordinance or the applications thereof to any person or circumstances are held to be invalid, illegal, or unconstitutional, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

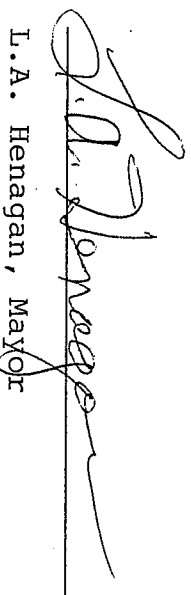
THIS DONE AND PASSED in a regular meeting of the Mayor and City Council for the City of DeQuincy, Louisiana, held on July 13, 1998. After public hearing was held on the above Ordinance, the title having been read and the Ordinance considered, on motion by Councilman Little Stanley, seconded by Councilman Charles Russell, to adopt the Ordinance a record vote was taken and the following result was had:

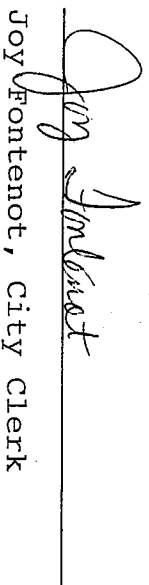
YEAS: 5

NAYS: 0

ABSENT: 0

WHEREUPON, the presiding officer declared the above Ordinance duly adopted this 13th day of July, 1998.


L.A. Henagan, Mayor


Joy Fontenot, City Clerk